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I hereby certify that this corres Commissioner le Patents 198	ndence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistantington, D.C. 20231.	ıt
Typed or Printed Name	Donna Macedo	
Signature	Date 3/5/02	
	US H. LEFT & THADEWIRK	

REQUEST FOR REFUND	Application Number	09/582,964
	Confirmation Number	4643
Address to:	Filing Date	July 6, 2000
Assistant Commissioner for Patents	First Named Inventor	Hoffman, et al.
Washington, D.C. 20231	Examiner	Russell S. Travers
	Group Art Unit.	1617
	Attorney Docket	THUR-001

Sir:

This is a request for a refund for the filing fee and claim fees of \$412.00 which the Commissioner was authorized to charge to our Deposit Account No. 50-0815 with the Continued Prosecution Application (CPA) Request Transmittal mailed October 25, 2001 in the above-identified application. A copy of the monthly statement in which the charge appears is included with this request.

This refund is being requested per the Notice of Improper Request for Continued Examination (RCE) received from the U.S Patent and Trademark Office on March 4, 2002 (copy attached).

Please deposit the refund in the amount of \$412:00 into Deposit Account No. 50-0815.

Respectfully submitted, BOZICEVIC, FIELD & FRANCIS LLP

Date:

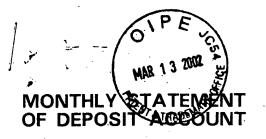
3.5.02

Bret E. Field

Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP 200 Middlefield Road, Suite 200 Menlo Park, CA 94025

Telephone: (650) 327-3400 Facsimile: (650) 327-3231 F:\Req for efund\THUR\001



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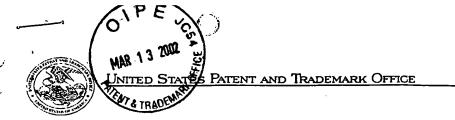
Date 12-31-01

Page 1

BOZICEVIC, FIELD & FRANCIS, LLP ACCOUNTING 200 MIDDLEFIELD ROAD SUITE 200 MERIO PARK CA 94025

PLEASE SEND REMITTANCES TO: Patent and Trademark Office P.O. Box 70541 Chicago, III. 60673

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DATE POSTED		CONTROL	DESCRIPTION (Serial Patent TM Order)	DOCKET NO.		FEE CODE	CHARGES/ CREDITS	BALANCE	
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DATE MAILED: 02/26/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/582,964	07/06/2000	KEITH B HOFFMAN	THUR-001	4643	
75	90 02/26/2002				
BOZICEVIC FIELD & FRANCIS			EXAMINER		
200 MIDDLEF SUITE 200		·	TRAVERS, RUSSELL S		
MENLO PARK	, CA 94025		ART UNIT	PAPER NUMBER	
*.			1617		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Bozicevic, Field & Francis

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APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The	e r	equest for continued examination (RCE) under 37 CFR 1.114 filed on is
im	oro	perforreason(s)-indicated below:
	1.	Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
	2.	Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
7		Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was <u>not</u> accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
	4.	The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
	5.	The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
	6.	The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
	7.	The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
the	ut	If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in illity or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the est for a CPA has been treated as a RCE because the CPA practice no longer applies to such action. The constructive RCE, however, is improper for reason(s) indicated above.
		A copy of this notice <u>MUST</u> be returned with any reply.
Dire) }	the reply and any questions about this notice to: 1000
(70: FOR	3) : RM	30 <u>/ - \(\lambda\) (2.</u> PTO-2051 (Rev. 3/2001)